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In re Application of:
Michele VULPIO
Serial No.: 10/693,639
Filed: October 24, 2003
Attorney Docket No.: 99-CT-371/DP2

SUA SPONTE
DECISION WITHDRAWING HOLDING OF
ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file a response to the non-final Office action mailed on March 8, 2006. A Notice of Abandonment was mailed on October 4, 2006.

A review of the written record indicates that a proper response to the non-final Office action was filed on October 16, 2006, with a certificate of mailing under 37 CFR § 1.8 dated September 8, 2006, but not matched with the application prior to the mailing of the Notice of Abandonment. The response includes an Amendment, a request for a three-month extension of time and the fee. Since the response was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

Inquiries related to this decision should be directed to Jose' G. Dees at 571-272-1569.

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